

EXHIBIT 218

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

DECLARATION OF MADELINE CHO

This Document Relates to:

*San Francisco Unified School District v.
JUUL Labs, Inc., et al.*, Case No. 3:19-cv-
08177-WHO

I, Madeline Cho, declare as follows:

1. I am nineteen years old and currently a sophomore at Sarah Lawrence College in Bronxville, New York. I have personal knowledge of the facts stated below and could and would testify competently thereto if called upon.

2. Before attending college, I attended George Washington High School ("GWHS") in the San Francisco Unified School District during my sophomore, junior, and senior years from 2018 through 2021. During my time at GWHS, I was the Senior Class President during the 2020-21 school year and served as a student advisor to the San Francisco Unified School Board.

1 3. Before I attended GWHS, I spent my freshman year at Kamiak High School in the
2 State of Washington. When I transferred to GWHS, I quickly noticed and was surprised by the
3 pervasive student use of e-cigarettes at the school and by students coming and going to school.

4 4. On February 6, 2020, during my junior year, I authored and sent on behalf of
5 myself and three other students an email to the school's principal, Principal Susan Saunders,
6 protesting the school's announced new bathroom policy. The policy would have required
7 bathroom doors to remain locked during class unless unlocked by a security guard. The policy
8 was announced as a measure to address student vaping in the school's bathrooms, which had
9 become a significant problem. Though I applauded the school's and the school district's intent to
10 address the problem of student e-cigarette usage, I protested the announced policy because it was
11 invasive and made students uncomfortable, particularly young women, trans and non-binary
12 students, and/or those with medical issues. Further, the policy would create long lines and
13 additional issues when bathrooms were unlocked between class periods, and was not, by itself,
14 going to stop students from vaping at school. A true and correct copy of my email to Principal
15 Saunders is attached as Exhibit 1. Ultimately, GWHS did not implement its announced locked
16 bathroom policy.

17 5. As stated in my letter to Principal Saunders, in my experience at GWHS, vaping
18 was a problem. So many students used JUUL products so heavily that when you walked into a
19 room – for instance, a bathroom in the morning or during lunch – you were hit with a fruity fog of
20 exhaled aerosol or vapor. The unmistakable smell of the exhaled vapor just hit you in the face. I
21 observed students vaping heavily in the morning before classes started, occasionally saying that
22 they had become “nic sick” from vaping.

23 6. JUUL was a popular and widely used e-cigarette at GWHS during my sophomore
24 and junior years. Eventually, PuffBar products gained increasing popularity, but JUUL was the
25 brand that most students started using.

26 7. In my experience, vape pens and e-cigarettes like JUUL did not carry the same
27 social stigma that cigarettes carried for individuals in my age group. I thought my generation was
28

1 past the nicotine habit that affected my parents' and grandparents' generations, as we have all
2 seen anti-tobacco campaigns, but JUUL brought the habit back.

3 8. In my experience, students at GWHS did not think of e-cigarettes like JUUL as
4 being very harmful. Many considered JUUL to be significantly less harmful than cigarettes.

5 9. JUUL was popular with students at GWHS in part because of its stealthy design
6 that allowed students to use the device at school. As I wrote in my letter, I witnessed students
7 using their JUUL devices in classrooms, when the teacher turned their back to write on the board,
8 for instance. Students would charge their JUUL device in school-issued laptops. JUUL use was
9 common in bathrooms, hallways, and other indoor and outdoor common areas. Some students
10 referred to the bathroom as the "JUUL room." Many students used JUUL devices on public
11 transportation, on their way to school, and near GWHS's campus as they came and went from
12 school on breaks.

13 10. The common and heavy JUUL use created litter and excess trash. In particular, I
14 observed vaping trash around the sidewalks, curbs, and drains that went around the perimeter of
15 GWHS.

16 11. I did not smoke or use e-cigarettes or vaping devices during my time at GWHS,
17 however I have friends that used JUUL that have been unable to quit. I recall one incident where
18 a student was hitting six vaping devices at once while other students filmed it. SFUSD classrooms
19 were often disrupted by students' e-cigarette use.

20
21 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
22 8th
23 ___ day of September, 2022.

24 DocuSigned by:

Madeline Cho

AD24D1613263499...

Madeline Cho

EXHIBIT 1

From: Mayer, Nina H <mayern@sfusd.edu>
Sent: Friday, February 7, 2020 9:05 AM
To: Saunders, Susan C
Cc: Antonio Tunzi; Carrie M Wert; Charles Brinton; Erin Lynch; Eunyung Kyung; John Schlauraff; Matthew Greedy; Paul Fan; Rachael Spillard; Robert Hand; Steven Bonaccorso; Tracy L Thompson; Veronica Garcia; West, Greg
Subject: Re: New Bathroom Policy

We need official district signs saying vape free zone. Or no smoking or vaping on campus. Department of public health should have some. Or school health programs dept. signage needs to be all over campus. For health if all workers and students. Smoke free zone
 Nina

On Fri, Feb 7, 2020 at 8:58 AM Saunders, Susan C <saunderss1@sfusd.edu> wrote:

FYI. Let's discuss on Tuesday
 Susan

----- Forwarded message -----

From: **Cho, Madeline** <machol@s.sfusd.edu>
Date: Thu, Feb 6, 2020 at 6:54 PM
Subject: New Bathroom Policy
To: Susan C Saunders <saunderss1@sfusd.edu>
Cc: SANCHEZ, LIA <lisanchez2@s.sfusd.edu>, <rofrancistaylor@s.sfusd.edu>, <damunyon@s.sfusd.edu>

Dear Principal Saunders,

With all due respect, we protest the new bathroom policy. When we first heard, we were shocked and frankly, offended. It is clear that vaping and other tobacco product use is a problem at George Washington. However, we believe that the locked-bathroom policy is unfair and ultimately will cause more trouble than it may solve.

As young women, we find the idea of having a (likely male) security guard unlock the bathroom every time we use it to be uncomfortable and violating. In addition to students who menstruate, those of us with conditions such as IBS or bladder issues may feel uncomfortable as well. We would like to be able to change our tampons and pads without having a security guard (likely male) involved. In fact, it should be a right. Moreover, trans or genderqueer students have a higher need for control over their bathroom usage. Bathrooms should be a **safe** space, as you stated in your announcement, and we feel the new policy actually clashes with that belief. In addition, we cannot be expected to have a pass *every time* we use the restroom. In case of an emergency, whether it is menstrual or not, will students be blocked from using the restroom? And should it come down to our word, might students be *profiled* as potential vape users? Might they be blocked even if they have a *valid reason* to use the restroom?

Perhaps the most obvious issue with the locked-bathroom policy is that restricting bathroom access will not prevent students from vaping. Instead, students will likely hide in stairwells, behind the school, and other places during class instead of the bathroom. It can be argued that this might take away more learning time than if they used the restrooms. They may even begin vaping more in class (as we have observed numerous times

before). The policy encourages students who vape to be sneakier about when they do, and will not effectively deter them from doing it.

If bathrooms are only unlocked during passing periods and lunch, the lines, especially at the girl's restroom, will be *painfully* long. Students who vape may also take advantage of this time-- further holding up lines. The new construction projects make it harder to get to several classes. For example, getting to a bungalow or the music wing. We have lockers to stop by, classes to rush to.

We applaud any efforts of SFUSD and George Washington High School to reduce student vape/tobacco use. In summary, policing bathroom use will:

1. Make students, many young women or those with medical conditions, uncomfortable.
2. Encourage more stealthy use of vape products.
3. Create long lines that will inevitably lead to tardiness

Thank you for your time and consideration. We hope that the school will take these points into account and reconsider the locked-bathroom policy. In addition to this email, we plan to create a student petition against these rules.

Sincerely,

Madeline Cho, Lía Sanchez, Rowan Francis Taylor, and Dava Munyon
Juniors at GWHS

This message was sent from a high school student using a Gmail account at San Francisco Unified School District. The content of the email should be related to education in support of 21st Century learning. If you have any questions regarding this message, please email gafe@t.sfusd.edu and include "Student email" in the subject line.

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Susan Saunders
Principal
George Washington High School
600 - 32nd Avenue
San Francisco, CA 94121
415-750-8400



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Nina Mayer
GWHS VAPA Department Chair
GWHS Director of Dance

600 32nd Avenue
San Francisco, CA 94121